

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<b>UNITED STATES OF AMERICA</b>	:	<b>CASE NOS.</b>	<b>1:CR-01-193</b>
	:		<b>1:CR-05-006</b>
	:		<b>1:CR-05-203</b>
v.	:		<b>1:CR-05-228</b>
	:		<b>1:CR-05-232</b>
	:		<b>1:CR-05-252</b>
<b>JOHN MIZIC</b>	:		<b>1:CR-05-253</b>
	:		<b>1:CR-05-256</b>
	:		<b>1:CR-05-259</b>
	:		<b>1:CR-05-284</b>
	:		<b>1:CR-05-285</b>
	:		<b>1:CR-05-287</b>
	:		<b>1:CR-05-288</b>
	:		<b>1:CR-05-294</b>
	:		<b>1:CR-05-296</b>
	:		<b>1:CR-05-305</b>
	:		<b>1:CR-05-306</b>
	:		<b>1:CR-05-324</b>
	:		<b>1:CR-05-367</b>
	:		<b>1:CR-05-440</b>
	:		<b>1:CR-05-456</b>

**ADDENDUM TO THE SENTENCING HEARING RECORD**

On February 15, 2007, during the sentencing hearing in the captioned cases, a motion for a 5K1.1 departure was denied by this court for the reasons set forth in the record. At that time, the court did not do an analysis pursuant to *United States v. Torres*, 251 F.3d 138 (3d Cir. 2001), because the court believed that Defendant's criminal history was understated and the court could not depart upward due to the 11(c)(1)(C) plea agreement; therefore, the court found no downward departure should be awarded.

As a precaution, the following is an analysis of the *Torres* factors.

(1) **Nature of the Cooperation:** Mizic's information provided to the Government dealt largely with his own conduct during his three year spree. There was only one item of some importance to the authorities which concerned the sale and use of stolen identities at the south Texas border (El Paso). No arrests or prosecutions have been made as a result of that information.

(2) **Significance of Cooperation:** See (1) above.

(3) **Reliability of Information Provided:** The authorities have no reason to doubt the truthfulness or accuracy of the information provided by Defendant.

(4) **Danger to the Defendant:** None.

(5) **Timeliness of Cooperation:** The information was given to authorities at or about the time of Defendant's arrest. Since, however, Defendant had been a fugitive for three years at the time of his arrest, much or some of the information provided may have been stale and no information was given to the court to assess that factor.

Thus, the court does not believe the assistance given to authorities was substantial enough to warrant a downward departure without consideration of an understated criminal record.

s/Sylvia H. Rambo  
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SYLVIA H. RAMBO  
United States District Judge

Dated: February 20, 2007.